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#SH2264969

Los Ar eles County Sheriff's Dep 'ment

Officer Involved Shooting

Report Date: 08/05/10	Bureau/Station/Facility: F.O.R. I / ELA	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 010-04122-0284-055	Date: 04/13/10 Time: 2110
City or Station: ELA	Nature of Incident: Deputy [redacted] chased suspect into backyard, suspect lifted shirt exposing what Deputy [redacted] believed to be a handgun. As the suspect reached for the object, Deputy [redacted] fired two rounds @ suspect, striking him. The suspect jumped a fence and was arrested a short distance later by assisting deputies. No weapon was recovered.
Location: [redacted] South Kern Avenue	

Location Type (circle one or more):	Lighting (circle only one):	Incident Type (circle one or more):	Initiated by (circle only one):
(Backyard)	(Darkness)	Accidental	Arrest Warrant
Beach	Daylight	(Armed Person)	(Call)
Business	(Other)	(Fleeing Suspect)	Observation
Freeway	Street Lights	(Foot Pursuit)	One Person Unit
Industrial	**Weather (circle only one):**	Gun Take Away	Other
Park	(Clear)	Moving Vehicle	Search Warrant
Parking Lot	Cloudy	Sniper/Ambush	Two Person Unit
(Residence)	Fog	Startle	**Prior Activity (circle only one):**
Rural	Rain	Struggle Involved	Detective
School		Traffic Stop	Inmate Transport
Street		Unarmed Person	Other
Other:	Distance: 25 feet	Unintentional	(Routine Patrol)
Total # of Shots Fired by Deputy: 2	Total # of Shots Fired by Suspect: 0	Vehicle Pursuit	Aero Unit? ☐ Canine Unit? ☐
		Warrant Service	
		Warning Shot	
		Other:	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one):	ShiftType (circle only one):
[redacted]	Florin	Erik	E.	EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Wargo	Christopher	J.	EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Kitchen II	William	J.	EM (PM) Day	(Regular) Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]			M.I. [redacted]
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more):
[redacted]	Ladjevic	David	NM N	(On Duty) / Present during shooting / Witness to shooting / Involved in shooting
				On Duty / Present during shooting / Witness to shooting / Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Monarrez Jr.	Joseph	C.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Norris	Robert	B.

PSTD Use Only

SH # 2264969

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/13/09	2310	08/05/10	

Employee #	Last Name	First Name	M.I
[redacted]	Grimaldi	Michael	J.
[redacted]	Grote	Dinah	L.
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC						
E#1	S#1	FH	HK	45	Y	Y	GS	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 010-04122-0284-055

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank: B-1 Deputy	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case #: — Interviewed? [X]
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; **Uniform w/ Vest** (circled)	Other Factors:
Age: [redacted]	Height: [redacted]	Weight: [redacted]	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] — Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest; Plain Clothes w/ Vest; Raid Jacket no Vest; Raid Jacket w/ Vest; Uniform no Vest; Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] — Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 010-04122-0284-055

Suspect Information

S 1

Last Name: DeLeon	First Name: Alejandro	M.I. NMN
AKA Last Name: "Serio"	First Name:	M.I.

Sex: M Race: H	Street Addr[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phon[redacted]	Home [redacted]	Social Secu[redacted]	Driver's Li[redacted]
Age: 28 D.O.B. 01/25/82	Height: 5' 09" Weight: 190	FBI # [redacted]	CII # [redacted]
Booking # 2297463	Primary Charge: 245(d)(1) P.C.	Secondary Charge: 148 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED HIT SHOOTING (UNARMED SUSPECT)
IAB #SH2264969

URN: 010-04122-0284-055
DATE / TIME: Tuesday, April 13, 2010, 2110 hours
LOCATION: [redacted] South Kern Avenue, East Los Angeles, California, 90022
SUSPECT: Alejandro DeLeon, MH/28, Booking number #2297463
"Rifa Maravilla" gang member, moniker: "Serio"
PERSONNEL: Deputy [redacted] #[redacted]

On April 13, 2010, the Internal Affairs Bureau's Force and Shooting Response Team responded to the East Los Angeles Station area, regarding a deputy involved, hit shooting. The team consisted of Lieutenant Mike Grimaldi, and Sergeants Dinah Grote and Laura Haynes. Attorney Michael Gennaco of the Office of Independent Review also responded.

> **IAB NOTE:** IAB Lieutenant Mike Grimaldi checked to see that the Early Morning watch commander, Lieutenant Robert Norris, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Grimaldi checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor (Sergeant Joseph Monarrez) until they have provided a statement to the assigned investigators.

When the team arrived at the location there were both an active command post and a containment of the crime scene area. Investigators learned that the series of events which occurred culminated into a deputy involved, hit shooting, involving Deputy [redacted] and that the suspect was struck by gunfire. The personnel involved in the incident was a uniformed patrol deputy working a one-person unit. The criminal investigation is being handled by Homicide Detectives, Steven Lankford and David Gunner.

SYNOPSIS:

Deputy [redacted] and two assisting units, Deputy Erik Florin (23A/PM's) and Deputies Christopher Wargo and William Kitchin II (21A/pm'S), responded to [redacted] South Kern Avenue regarding a "gang disturbance, do not contact informant" call. That address was known by the responding deputies to be a haven for gang and narcotics activity.

Upon their arrival, the deputies saw a vehicle stopped in the street facing the driveway of [redacted] South Kern Avenue. The vehicle was blocking the southbound lane of travel for vehicular and pedestrian traffic, and had several occupants. The deputies exited their vehicles to contact the occupants of the vehicle. As [redacted] approached the vehicle, he saw a male, Suspect Alejandro DeLeon, on the sidewalk in front of the vehicle, turn, and walk north on the west sidewalk, away from Deputy [redacted]

Deputies Wargo and Kitchin remained with occupants of the vehicle as Deputy [redacted] walked north in the street, slightly to the south of the suspect, paralleling him. Deputy Florin walked 10-15 feet behind Deputy [redacted] As Suspect DeLeon walked north, he discarded what Deputy [redacted] believed was a plastic baggie containing illegal drugs into the grassy yard of an unknown residence.

Deputy [redacted] alerted Deputy Florin to the suspect's actions as they both followed behind Suspect DeLeon as he continued to walk north along the west sidewalk. Suspect DeLeon then turned into the driveway of the location and walked west toward the rear house on the property. Deputy [redacted] ordered the suspect to stop while illuminating the suspect with his hand-held flashlight, but he failed to comply as he continued to walk west. Utilizing the flashlight on his weapon and again ordering the suspect to stop, Deputy [redacted] illuminated Suspect DeLeon.

Suspect DeLeon then ran northwest toward the north side of the rear house. Deputy [redacted] ran after the suspect and was about to put out his involvement in a foot pursuit as the suspect ran to a side wood gate/door on the north side of the rear house and kicked down the door. The door fell forward, causing Suspect DeLeon to stumble, but not fall. The suspect then turned back toward Deputy [redacted] and lifted his shirt, exposing the butt of a handgun in his waistband/hip area. The suspect bladed the right side of his body and looked at Deputy [redacted] as he began to raise his right hand toward the gun.

Fearing for his life, Deputy [redacted] fired two rounds from his duty weapon at Suspect DeLeon. Not flinching, Suspect DeLeon dropped his hands to the chain-link fence, and jumped over it. He landed in the yard of the adjacent property and ran north, then eastbound. Deputy [redacted] broadcast his shooting and provided the description of the suspect and last seen direction.

Deputy Wargo heard the gunshots and ran north on Kern Avenue. He heard Deputy [redacted] radio broadcast and shortly thereafter, Suspect DeLeon emerged eastbound from the driveway and onto the sidewalk at [redacted] South Kern Avenue where he was detained by Deputy Wargo. Deputy [redacted] responded and assisted in handcuffing Suspect DeLeon.

Suspect DeLeon sustained a gunshot wound to his left thigh and a grazing wound to his chest. He was transported to Los Angeles County/USC Medical Center where he was treated for his gunshot wounds and listed in stable condition.

Neither the baggie the suspect discarded nor the handgun was recovered from the scene. Two expended .45 caliber shell casings were recovered at the scene.

Homicide Bureau Detectives Steven Lankford and David Gunner arrived and took control of the investigation. For further, refer to the Homicide case book, presented as ***Exhibit A***.

INVOLVED PERSONNEL:
[redacted]
Deputy Sheriff, Employee #[redacted]
[redacted]

WORK HISTORY:



Date of Employment: [redacted]
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

SUSPECT INFORMATION:
DELEON, Alejandro, MH/28, DOB: 01/25/1982, 5' 09", 190 lbs.
[redacted]

CII #[redacted] CCHRS #[redacted] MAIN #[redacted] FBI #[redacted]

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect DeLeon had [redacted] Refer to a copy of his CCHRS/CII printouts, presented as ***Exhibit A*, *pages 76-106***.

EMPLOYEE WITNESS:
FLORIN, Erik, E.
Deputy Sheriff, Employee #[redacted]
Field Operations I, Patrol Deputy

WARGO, Christopher, J.
Deputy Sheriff, Employee #[redacted]
Field Operations I, Patrol Deputy

KITCHIN II, William J.
Deputy Sheriff, Employee [redacted]
Field Operations I, Patrol Deputy

NON-EMPLOYEE WITNESSES:
[redacted] MH/37
[redacted]

INJURIES:
No deputy personnel were injured in this incident.

Suspect DeLeon sustained two gunshot wounds to his body. One wound grazed across the front of his chest, and the other was a through and through wound to his left thigh. For further, refer to Homicide's interview with Suspect DeLeon regarding his injuries in ***Exhibit A*, *pages 58-59.***

PHYSICAL EVIDENCE:
Located at the shooting scene was two expended "Winchester 45 Auto" cartridge casings. Located on the sidewalk in front of [redacted] Kern Avenue were Suspect DeLeon's tennis shoes, shorts, sweater, shirt, belt, T-shirt, bandana, baseball cap, and bible. For further regarding the collection of evidence, refer to ***Exhibit A*, *pages 63-64***

The general area was photographed by Forensic Identification Specialist Jackie Thompson in ***Exhibit A*, *page 151***. Forensic Identification Specialist Martin Mutac, assisted by documenting the evidence through a sketch and measurements, presented in ***Exhibit A*, *page 152-156***.

The evidence was photographed and collected by Forensic Identification Specialist Edna Roches. For further, refer to her supplemental report in ***Exhibit A*, *pages 157-160***, along with two CD's containing photographs of the crime scene, ***Exhibit F***.

INVESTIGATORS' OBSERVATIONS:
The 900 block of south Kern Avenue was blocked off from Whittier Boulevard to the north to Verona Street to the south. The scene was cordoned off by marked patrol cars, crime scene tape, and uniformed personnel. Kern Avenue is a north/south street that intersects with Whittier Boulevard to the north and Verona Street to the south. The area south of Whittier Boulevard is primarily residential neighborhoods comprised of single family homes. Kern Avenue can accommodate traffic in both directions. There is a sidewalk on both the

east and west side of the street along with a raised curb.

At the location of the shooting, there are two residences on the lot. The front house, [redacted] is a single story residence. The concrete driveway is located on the south side of the house and continues west into the backyard almost to the second residence, [redacted] The rear door of the [redacted] house faces west toward the front door of the [redacted] In between both houses is an open area with two separate standing plastic tarps and two parked vehicles.

On the north side of the rear house [redacted] is a narrow walkway that runs west toward the end of the residence. There is a four-foot high chain link fence along the north side of the walkway, separating the property from [redacted] South Kern Avenue. A wooden fence was observed laying on the ground, over some debris, as if it were knocked down. For a more detailed description of the scene, refer to ***Exhibit A***, ***pages 65-70***.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy [redacted] carried his duty firearm, a .45 caliber, H&K, Model USP, semiautomatic, black, serial # [redacted] with an attached light and "Winchester" 45 Auto brand ammunition. Deputy [redacted] carried his weapon with 12 rounds in the magazine and one in the chamber. During the incident, he fired two rounds. Following the shooting, Deputy [redacted] handgun was recovered and he had 10 live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way. The handgun and ammunition were submitted to the Firearms Laboratory under receipt number K192677.

Firearms Examiner Ivan Chavez and Manuel Munoz examined and test-fired Deputy [redacted] handgun and found it to be functional and within departmental and manufacturers' guidelines. It did not appear to be modified in any way. For further, refer to the Firearms' Report in ***Exhibit A, page 150.***

WEAPON USED BY THE SUSPECT:

No weapons were located on Suspect DeLeon or at the scene.

PROPERTY DAMAGE:

There was no noted damage to any property.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Homicide Detectives Steven Lankford and David Gunner
Court:	East Los Angeles Municipal
Charges Filed:	245 (d)(1) and 148 P.C.
DA Incident Number:	30827034

On May 20, 2010, Deputy District Robert S. Nishinaka declined to file the above charges against Suspect DeLeon, citing a deferral for "Revocation of Parole." For further, refer to the District Attorney's Evaluation Worksheet listed in ***Exhibit A, pages 161-162***.

LIGHTING AND WEATHER CONDITIONS:

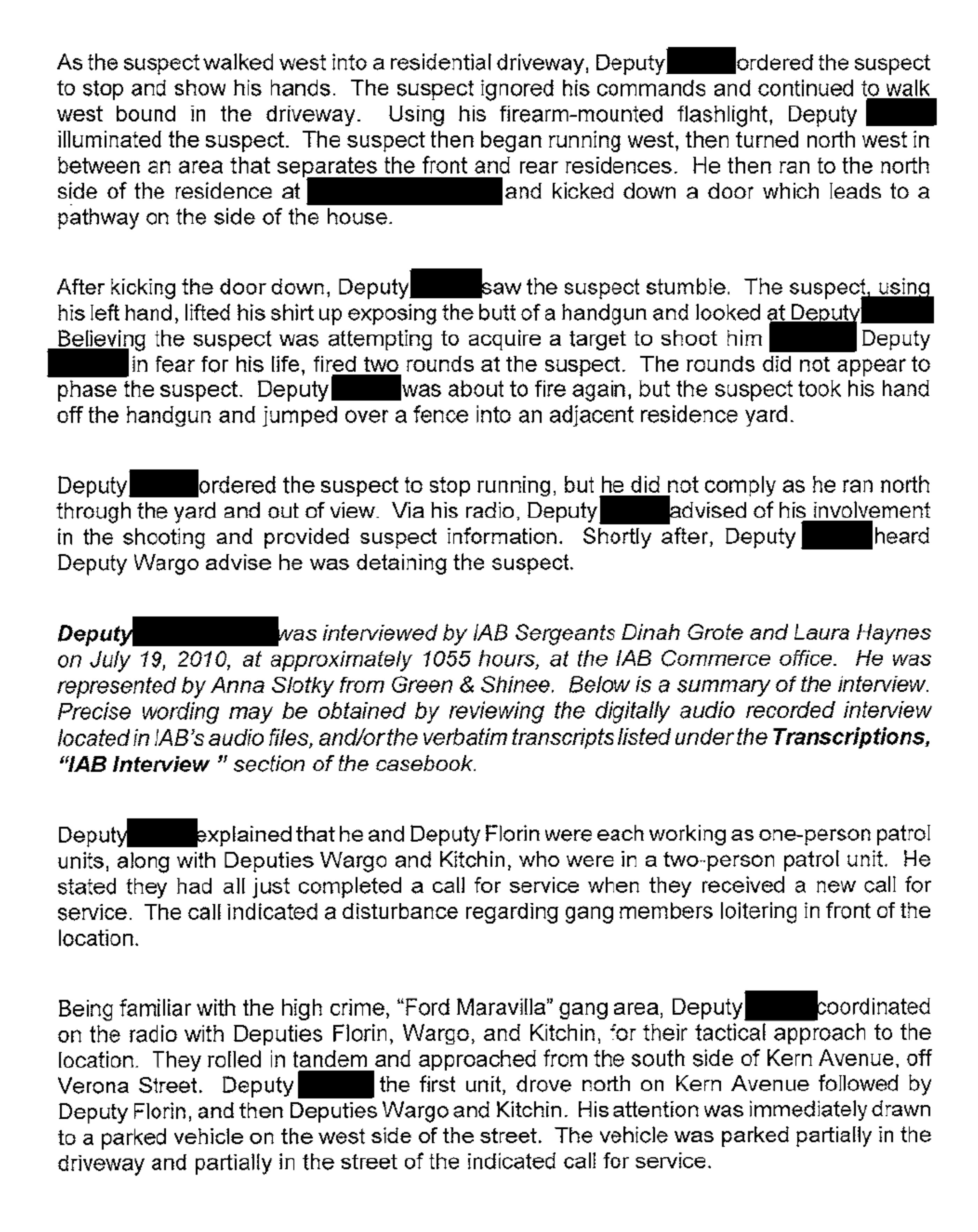
It was a dry, clear, and cold night. The crime scene area was poorly light by ambient lighting and nearby street lights.

INVOLVED EMPLOYEE STATEMENTS:

*Deputy [redacted] was interviewed during the investigation by Homicide Investigators Steven Lankford and David Gunner on April 14, 2010, at 0635 hours. He was represented by Anna Slotky and Richard Shinee from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions, "Homicide Interview"** section of the casebook. Below is a summary of his interview with the Homicide investigators. For the complete summary of his interview with Homicide investigators, refer to **Exhibit A, pages 57-58**.*

Deputy [redacted] told investigators the area is a high-crime and gang area, which is controlled by the "Ford Maravilla" gang members. Being familiar with the area, Deputy [redacted] met up with two other units in order to coordinate a tactical plan. Deputy [redacted] the first unit to arrive, saw a vehicle containing four to five occupants, parked in the driveway of the location. Upon exiting his vehicle, Deputy [redacted] saw the suspect walking away from the vehicle to the sidewalk. Believing the suspect was distancing himself from the deputies, Deputy [redacted] told Deputies Wargo and Kitchin to stay with the occupants in the parked vehicle while he and Deputy Florin followed the suspect.

As the suspect walked north on the sidewalk, Deputy [redacted] followed him north in the street and saw Suspect DeLeon toss a sandwich baggie to the ground. Believing the suspect had just discarded narcotics, Deputy [redacted] continued to follow him on foot, approximately 30 feet behind and to the east of the suspect.



As the suspect walked west into a residential driveway, Deputy [redacted] ordered the suspect to stop and show his hands. The suspect ignored his commands and continued to walk west bound in the driveway. Using his firearm-mounted flashlight, Deputy [redacted] illuminated the suspect. The suspect then began running west, then turned north west in between an area that separates the front and rear residences. He then ran to the north side of the residence at [redacted] and kicked down a door which leads to a pathway on the side of the house.

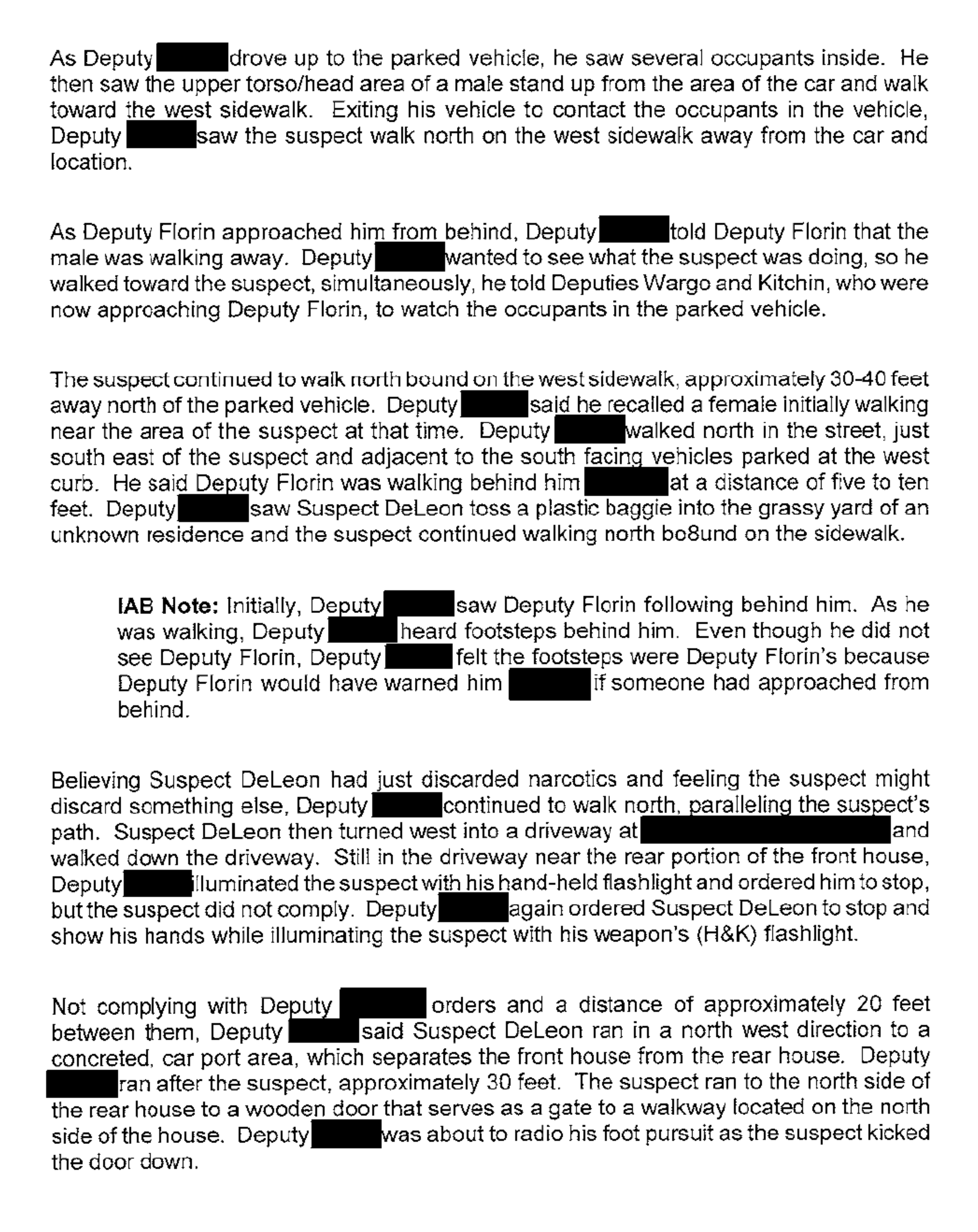
After kicking the door down, Deputy [redacted] saw the suspect stumble. The suspect, using his left hand, lifted his shirt up exposing the butt of a handgun and looked at Deputy [redacted] Believing the suspect was attempting to acquire a target to shoot him [redacted] Deputy [redacted] in fear for his life, fired two rounds at the suspect. The rounds did not appear to phase the suspect. Deputy [redacted] was about to fire again, but the suspect took his hand off the handgun and jumped over a fence into an adjacent residence yard.

Deputy [redacted] ordered the suspect to stop running, but he did not comply as he ran north through the yard and out of view. Via his radio, Deputy [redacted] advised of his involvement in the shooting and provided suspect information. Shortly after, Deputy [redacted] heard Deputy Wargo advise he was detaining the suspect.

***Deputy** [redacted] was interviewed by IAB Sergeants Dinah Grote and Laura Haynes on July 19, 2010, at approximately 1055 hours, at the IAB Commerce office. He was represented by Anna Slotky from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcriptions, "IAB Interview "** section of the casebook.*

Deputy [redacted] explained that he and Deputy Florin were each working as one-person patrol units, along with Deputies Wargo and Kitchin, who were in a two-person patrol unit. He stated they had all just completed a call for service when they received a new call for service. The call indicated a disturbance regarding gang members loitering in front of the location.

Being familiar with the high crime, "Ford Maravilla" gang area, Deputy [redacted] coordinated on the radio with Deputies Florin, Wargo, and Kitchin, for their tactical approach to the location. They rolled in tandem and approached from the south side of Kern Avenue, off Verona Street. Deputy [redacted] the first unit, drove north on Kern Avenue followed by Deputy Florin, and then Deputies Wargo and Kitchin. His attention was immediately drawn to a parked vehicle on the west side of the street. The vehicle was parked partially in the driveway and partially in the street of the indicated call for service.



As Deputy [redacted] drove up to the parked vehicle, he saw several occupants inside. He then saw the upper torso/head area of a male stand up from the area of the car and walk toward the west sidewalk. Exiting his vehicle to contact the occupants in the vehicle, Deputy [redacted] saw the suspect walk north on the west sidewalk away from the car and location.

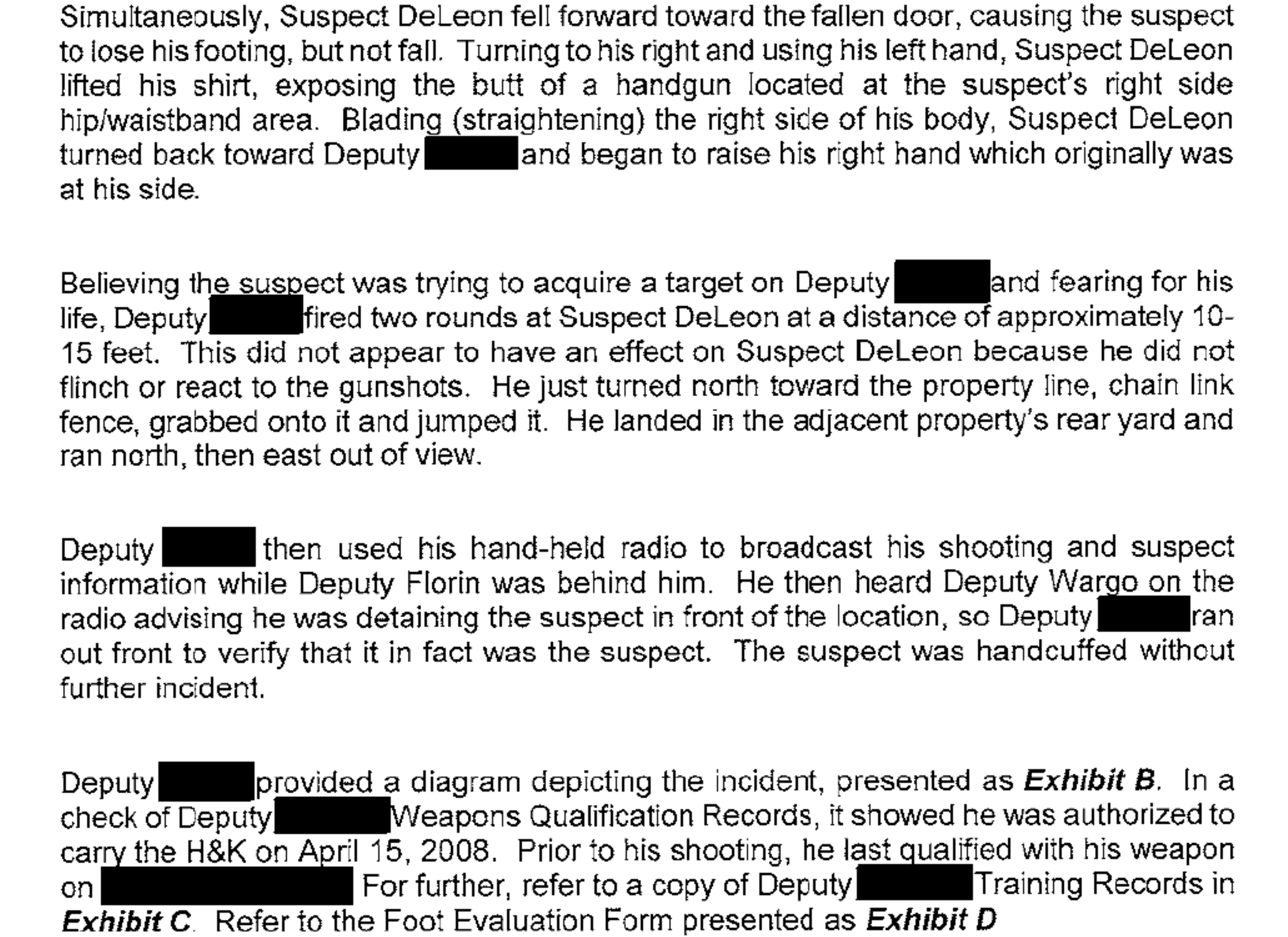
As Deputy Florin approached him from behind, Deputy [redacted] told Deputy Florin that the male was walking away. Deputy [redacted] wanted to see what the suspect was doing, so he walked toward the suspect, simultaneously, he told Deputies Wargo and Kitchin, who were now approaching Deputy Florin, to watch the occupants in the parked vehicle.

The suspect continued to walk north bound on the west sidewalk, approximately 30-40 feet away north of the parked vehicle. Deputy [redacted] said he recalled a female initially walking near the area of the suspect at that time. Deputy [redacted] walked north in the street, just south east of the suspect and adjacent to the south facing vehicles parked at the west curb. He said Deputy Florin was walking behind him [redacted] at a distance of five to ten feet. Deputy [redacted] saw Suspect DeLeon toss a plastic baggie into the grassy yard of an unknown residence and the suspect continued walking north bo8und on the sidewalk.

> **IAB Note:** Initially, Deputy [redacted] saw Deputy Florin following behind him. As he was walking, Deputy [redacted] heard footsteps behind him. Even though he did not see Deputy Florin, Deputy [redacted] felt the footsteps were Deputy Florin's because Deputy Florin would have warned him [redacted] if someone had approached from behind.

Believing Suspect DeLeon had just discarded narcotics and feeling the suspect might discard something else, Deputy [redacted] continued to walk north, paralleling the suspect's path. Suspect DeLeon then turned west into a driveway at [redacted] and walked down the driveway. Still in the driveway near the rear portion of the front house, Deputy [redacted] illuminated the suspect with his hand-held flashlight and ordered him to stop, but the suspect did not comply. Deputy [redacted] again ordered Suspect DeLeon to stop and show his hands while illuminating the suspect with his weapon's (H&K) flashlight.

Not complying with Deputy [redacted] orders and a distance of approximately 20 feet between them, Deputy [redacted] said Suspect DeLeon ran in a north west direction to a concreted, car port area, which separates the front house from the rear house. Deputy [redacted] ran after the suspect, approximately 30 feet. The suspect ran to the north side of the rear house to a wooden door that serves as a gate to a walkway located on the north side of the house. Deputy [redacted] was about to radio his foot pursuit as the suspect kicked the door down.



Simultaneously, Suspect DeLeon fell forward toward the fallen door, causing the suspect to lose his footing, but not fall. Turning to his right and using his left hand, Suspect DeLeon lifted his shirt, exposing the butt of a handgun located at the suspect's right side hip/waistband area. Blading (straightening) the right side of his body, Suspect DeLeon turned back toward Deputy [redacted] and began to raise his right hand which originally was at his side.

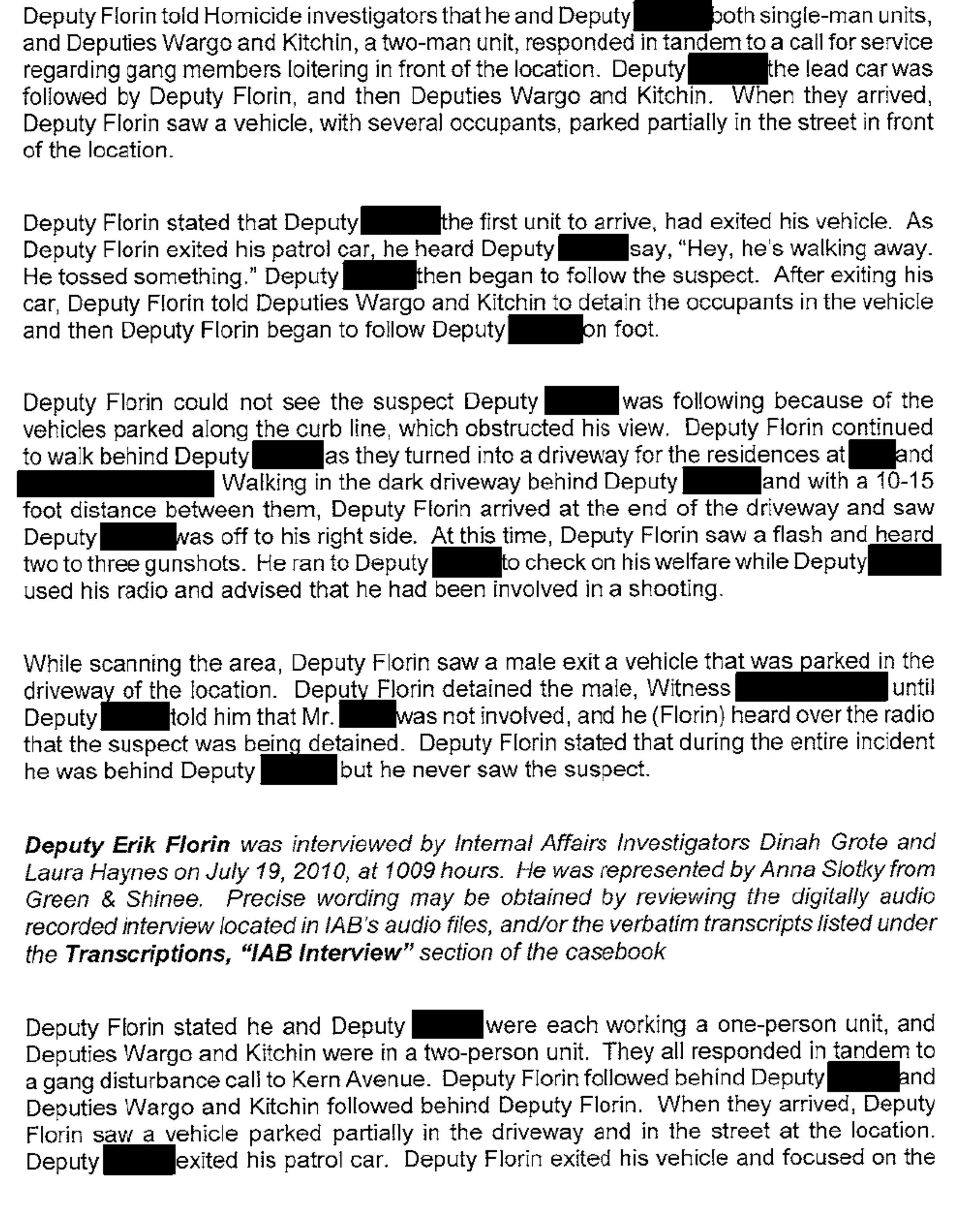
Believing the suspect was trying to acquire a target on Deputy [redacted] and fearing for his life, Deputy [redacted] fired two rounds at Suspect DeLeon at a distance of approximately 10-15 feet. This did not appear to have an effect on Suspect DeLeon because he did not flinch or react to the gunshots. He just turned north toward the property line, chain link fence, grabbed onto it and jumped it. He landed in the adjacent property's rear yard and ran north, then east out of view.

Deputy [redacted] then used his hand-held radio to broadcast his shooting and suspect information while Deputy Florin was behind him. He then heard Deputy Wargo on the radio advising he was detaining the suspect in front of the location, so Deputy [redacted] ran out front to verify that it in fact was the suspect. The suspect was handcuffed without further incident.

Deputy [redacted] provided a diagram depicting the incident, presented as ***Exhibit B***. In a check of Deputy [redacted] Weapons Qualification Records, it showed he was authorized to carry the H&K on April 15, 2008. Prior to his shooting, he last qualified with his weapon on [redacted] For further, refer to a copy of Deputy [redacted] Training Records in ***Exhibit C***. Refer to the Foot Evaluation Form presented as ***Exhibit D***

EMPLOYEE WITNESS STATEMENTS:

Deputy Erik Florin *was interviewed during the investigation by Homicide Investigators Steven Lankford and David Gunner on April 14, 2010, at 0605 hours. He was represented by Anna Slotky and Richard Shinee from Green & Shinee. Precise wording of the interview may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcriptions, "Homicide Interview"*** *section of the casebook. Below is a summary of his interview with the Homicide investigators. For the complete summary of his interview with Homicide investigators, refer to* ***Exhibit A, pages 55-57.***



Deputy Florin told Homicide investigators that he and Deputy [redacted] both single-man units, and Deputies Wargo and Kitchin, a two-man unit, responded in tandem to a call for service regarding gang members loitering in front of the location. Deputy [redacted] the lead car was followed by Deputy Florin, and then Deputies Wargo and Kitchin. When they arrived, Deputy Florin saw a vehicle, with several occupants, parked partially in the street in front of the location.

Deputy Florin stated that Deputy [redacted] the first unit to arrive, had exited his vehicle. As Deputy Florin exited his patrol car, he heard Deputy [redacted] say, "Hey, he's walking away. He tossed something." Deputy [redacted] then began to follow the suspect. After exiting his car, Deputy Florin told Deputies Wargo and Kitchin to detain the occupants in the vehicle and then Deputy Florin began to follow Deputy [redacted] on foot.

Deputy Florin could not see the suspect Deputy [redacted] was following because of the vehicles parked along the curb line, which obstructed his view. Deputy Florin continued to walk behind Deputy [redacted] as they turned into a driveway for the residences at [redacted] and [redacted] Walking in the dark driveway behind Deputy [redacted] and with a 10-15 foot distance between them, Deputy Florin arrived at the end of the driveway and saw Deputy [redacted] was off to his right side. At this time, Deputy Florin saw a flash and heard two to three gunshots. He ran to Deputy [redacted] to check on his welfare while Deputy [redacted] used his radio and advised that he had been involved in a shooting.

While scanning the area, Deputy Florin saw a male exit a vehicle that was parked in the driveway of the location. Deputy Florin detained the male, Witness [redacted] until Deputy [redacted] told him that Mr. [redacted] was not involved, and he (Florin) heard over the radio that the suspect was being detained. Deputy Florin stated that during the entire incident he was behind Deputy [redacted] but he never saw the suspect.

***Deputy Erik Florin** was interviewed by Internal Affairs Investigators Dinah Grote and Laura Haynes on July 19, 2010, at 1009 hours. He was represented by Anna Slotky from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcriptions, "IAB Interview"** section of the casebook*

Deputy Florin stated he and Deputy [redacted] were each working a one-person unit, and Deputies Wargo and Kitchin were in a two-person unit. They all responded in tandem to a gang disturbance call to Kern Avenue. Deputy Florin followed behind Deputy [redacted] and Deputies Wargo and Kitchin followed behind Deputy Florin. When they arrived, Deputy Florin saw a vehicle parked partially in the driveway and in the street at the location. Deputy [redacted] exited his patrol car. Deputy Florin exited his vehicle and focused on the

occupants in the parked vehicle, and immediately, he heard Deputy [redacted] say, "He's walking away." Deputy Florin said Deputy [redacted] started walking north in the street, so he walked behind Deputy [redacted] while Deputies Wargo and Kitchin remained with the occupants in the parked car. Several seconds later, Deputy Florin heard Deputy [redacted] say, "He tossed something."

Deputy Florin continued to walk behind Deputy [redacted] at a distance of 10-15 feet, while scanning the west sidewalk and yards for persons or the tossed item. Deputy Florin still could not see the suspect as they walked, but he continued to walk behind Deputy [redacted] as they turned west into a residential driveway. Walking west down the driveway, Deputy Florin said he was in still in the driveway in the open area between the front and rear houses. He said he was looking west and out of his peripheral vision, he could see Deputy [redacted] to his right (north), approximately 10-15 feet away when he heard several gunshots and saw muzzle flashes coming from Deputy [redacted] gun.

Deputy Florin ran to Deputy [redacted] to check on his welfare, then started checking/scanning the area. He heard Deputy [redacted] putting out the emergent radio traffic and then heard the suspect was being detained. Deputy [redacted] ran to check on the detainee and Deputy Florin remained at the shooting scene securing the area when he saw a male, Witness [redacted] exiting a parked vehicle. After learning the male was not involved, Mr. [redacted] was released.

Deputy Florin stated that he gave an inaccurate time estimation of the incident (5-10 minutes) to Homicide in his interview. He said that from the time he exited his patrol vehicle to the shooting, 30-40 seconds had elapsed. For further, refer to Deputy Florin's supplemental report is listed in ***Exhibit A, page 9***, and his diagram depicting the incident in ***Exhibit E***.

Deputy Christopher Wargo *was interviewed by IAB Sergeants Dinah Grote and Laura Haynes on May 20, 2010, at 1037 hours, at the IAB Commerce office. He was represented by Anna Slotky from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions, "IAB Interview"*** *section of the casebook.*

Deputy Wargo (driver) stated he was working with Deputy Kitchin (book-person) in a two-person unit. He said they responded, along with Deputies [redacted] and Florin, to a gang disturbance call for service. Deputy [redacted] was the first car, followed by Deputy Florin, and then their car. Deputy Wargo said that when they arrived, Deputy [redacted] exited his vehicle, followed by Deputy Florin. Deputy Wargo said when he exited the patrol car, he saw a

burgundy car with several occupants parked in the driveway of the indicated call for service. As he approached the occupants of the car, he saw Deputies [redacted] and Florin walking in a northwesterly direction on Kern Avenue, and out of view. He stated that he and Deputy Kitchin remained at the parked car with the four occupants.

Approximately twenty seconds later, Deputy Wargo heard two gunshots north of his location. With Deputy Kitchin remaining with the occupants, Deputy Wargo went to the west sidewalk and scanned around looking for Deputies Florin and [redacted] and to see if anyone was firing rounds at them (Wargo and Kitchin). He then heard the Sheriff's Communications Center voice that Deputy [redacted] was involved in a shooting.

While Deputy Kitchin stayed with the occupants, Deputy Wargo ran north along the west sidewalk looking for their location. After running north past two to three residences, Deputy Wargo heard Deputy [redacted] over the radio broadcast the last seen direction of the suspect and clothing description. As Deputy Wargo continued to run north on Kern Avenue, he saw the described suspect run eastbound from the driveway, out onto the sidewalk. The suspect turned and ran north from the driveway. Taking cover behind a parked vehicle, Deputy Wargo ordered the suspect to the ground. After a second order, the suspect complied and lay on the sidewalk. Deputy Wargo advised over the radio of the suspect's detention. Deputy [redacted] responded and with his assistance, Deputy Wargo handcuffed Suspect DeLeon without incident. For further, refer to Deputy Wargo's supplemental report is listed in ***Exhibit A, pages 10-20***.

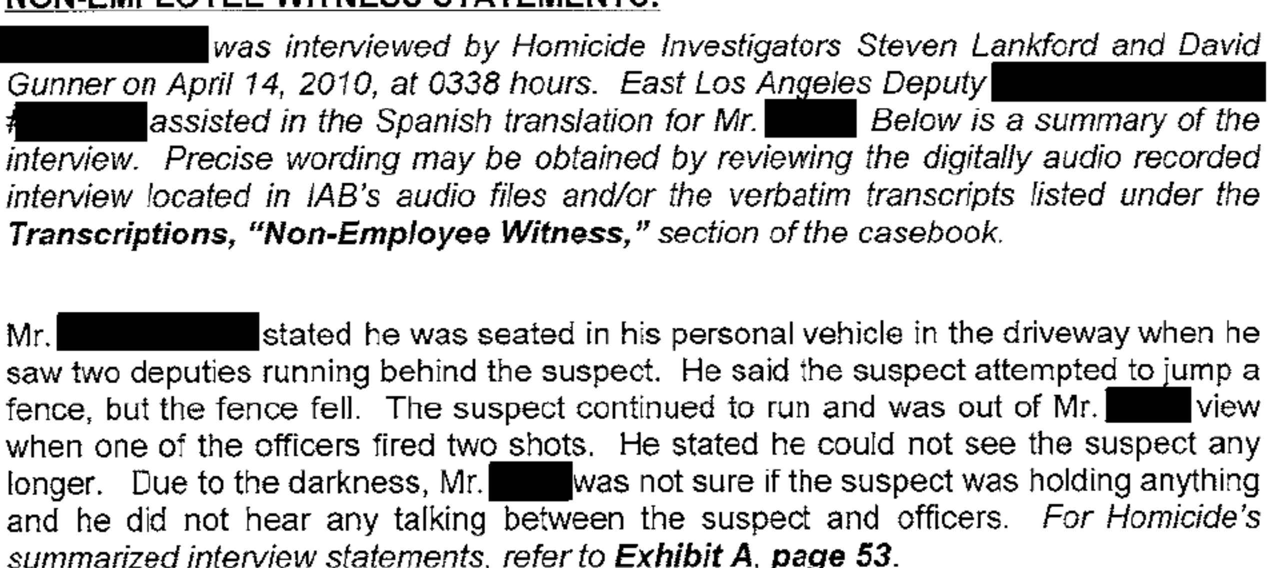
Deputy William Kitchin II *was interviewed by IAB Sergeants Dinah Grote and Laura Haynes on May 20, 2010, at 1037 hours, at the IAB Commerce office. He was represented by Anna Slotky from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions, "IAB Interview"*** *section of the casebook.*

Deputy Kitchin (book-person) stated he was working with Deputy Wargo (driver) in a two-person unit. He said they responded, along with Deputies [redacted] and Florin, to a gang disturbance call for service. Deputy [redacted] was the first car, followed by Deputy Florin, and then their car. Deputy Kitchin stated that when they turned onto Kern Avenue, he saw a male leaning into the passenger side of a parked burgundy-colored vehicle in front of the location. When they arrived, the male looked over at the deputies then he immediately turned and walked toward the west sidewalk.

Deputy Kitchin stated that Deputies [redacted] and Florin followed the male. He and Deputy Wargo remained with the occupants of the burgundy car. As Deputy Kitchin removed the driver of the vehicle to conduct a pat-down search, he heard what he believed to be two gunshots. He told the driver to get back into the car, and he detained the occupants while Deputy Wargo went to look for Deputies Florin and [redacted]

Deputy Kitchin then heard radio traffic of the shooting and of last-seen suspect information. Deputy Kitchin monitored Deputy Wargo as he (Wargo) ran north on the west sidewalk. Approximately five to six houses north of him, Deputy Kitchin heard Deputy Wargo advising that he was detaining the suspect, so he ran up to where Deputy Wargo was detaining the suspect and saw Deputy [redacted] assist in the handcuffing of the suspect.

Deputy Kitchin documented the four occupants in the parked vehicle. For further regarding their involvement, refer to Deputy Kitchin's supplemental report is listed in ***Exhibit A, pages 43-48***. The occupants were later interviewed by Homicide investigators and said they heard the gunshots, but did not witness the actual shooting. For a summary of their interviews with Homicide, refer to ***Exhibit A, pages 60-62***.



NON-EMPLOYEE WITNESS STATEMENTS:

[redacted] *was interviewed by Homicide Investigators Steven Lankford and David Gunner on April 14, 2010, at 0338 hours. East Los Angeles Deputy* [redacted] *assisted in the Spanish translation for Mr.* [redacted] *Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions, "Non-Employee Witness,"*** *section of the casebook.*

Mr. [redacted] stated he was seated in his personal vehicle in the driveway when he saw two deputies running behind the suspect. He said the suspect attempted to jump a fence, but the fence fell. The suspect continued to run and was out of Mr. [redacted] view when one of the officers fired two shots. He stated he could not see the suspect any longer. Due to the darkness, Mr. [redacted] was not sure if the suspect was holding anything and he did not hear any talking between the suspect and officers. *For Homicide's summarized interview statements, refer to* ***Exhibit A, page 53***.

SUSPECT STATEMENT:

On April 14, 2010, at 0800 hours, Homicide Investigators Steven Lankford and David Gunner interviewed Suspect Alejandro DeLeon at Los Angeles County Medical Center.

*Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the **Transcriptions** section of the casebook. Below is a summary of his interview with the Homicide investigators.*

Suspect DeLeon stated he met up with two girls in front of the location when the deputies arrived. He said he was walking down Kern Avenue and the deputies were detaining people in a car. He said a deputy was following him. Fearful he would be arrested for not reporting to his parole officer, Suspect DeLeon took off running. He said a deputy told him to "freeze" and then shot him. Suspect DeLeon said that after he was shot, he continued to run and eventually collapsed on the sidewalk.

Suspect DeLeon denied having any narcotics or handguns in his possession. Refer to photographs of Suspect DeLeon in ***Exhibit A, pages 103-106***.

> **IAB Note:** During the interview, Homicide investigators noted several discrepancies in Suspect DeLeon's recollection of the incident. For the complete summary of his interview with Homicide investigators, refer to ***Exhibit A, pages 58-60***. For further, refer to Homicide's interview of the two women [redacted] and [redacted] in ***Exhibit A, pages 53-55***.

MISCELLANEOUS SECTION:

None.